

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Public Works	(2) MEETING DATE 8/12/2014	(3) CONTACT/PHONE Andrea M. Montes, Utilities Program Manager (805) 781-1046	
(4) SUBJECT Introduction of an ordinance regulating outdoor water use to Mondays and Thursdays only within applicable County Service Areas (10A-Cayucos, 16-Shandon, 23-Santa Margarita, and 12-Avila Valley), in accordance with the drought emergency water conservation regulations adopted by the State Water Resources Control Board, and finding that the project is exempt from Section 21000 et seq. of the California Public Resources Code (CEQA). Hearing date set for August 19, 2014. Districts 1, 2, 3 and 5.			
(5) RECOMMENDED ACTION It is recommended that the Board introduce the attached ordinance and direct the Clerk to set August 19, 2014 as the hearing date.			
(6) FUNDING SOURCE(S) Various CSA's	(7) CURRENT YEAR FINANCIAL IMPACT \$17,500.00 per CSA	(8) ANNUAL FINANCIAL IMPACT N/A	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. ____ ) <input type="checkbox"/> Board Business (Time Est. ____ )			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input checked="" type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR)  N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A    Date: _____	
(17) ADMINISTRATIVE OFFICE REVIEW <i>Nikki J. Schmidt</i>			
(18) SUPERVISOR DISTRICT(S) District 1 , District 2 , District 3 , District 5			

Reference: 14AUG12-C-9

## County of San Luis Obispo



TO: Board of Supervisors

FROM: Public Works  
Andrea M. Montes, Utilities Program Manager  
Dean Benedix, Utilities Division Manager

VIA: Mark Hutchinson, Deputy Director of Public Works

DATE: 8/12/2014

SUBJECT: Introduction of an ordinance regulating outdoor water use to Mondays and Thursdays only within applicable County Service Areas (10A-Cayucos, 16-Shandon, 23-Santa Margarita, and 12-Avila Valley), in accordance with the drought emergency water conservation regulations adopted by the State Water Resources Control Board, and finding that the project is exempt from Section 21000 et seq. of the California Public Resources Code (CEQA). Hearing date set for August 19, 2014. Districts 1, 2, 3 and 5.

### **RECOMMENDATION**

It is recommended that the Board introduce the attached ordinance and direct the Clerk to set August 19, 2014 as the hearing date.

### **DISCUSSION**

On July 15, 2014, in response to the ongoing severe drought, the State Water Resources Control Board (SWRCB) adopted emergency regulations to ensure water agencies, their customers and state residents increase water conservation in urban settings.

The emergency regulations state:

*“To promote water conservation, each distributor of a public water supply, that is not an urban water supplier per Water Code Section 10617 shall, within thirty (30) days from the effective date of the regulations, take one or more of the following actions:*

- 1. Limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week; or*
- 2. Implement another mandatory conservation measure or measures intended to achieve a comparable reduction in water consumption by the persons it serves relative to the amount consumed in 2013.”*

The County, as a water purveyor for County Service Area 10A (Cayucos), County Service Area 16 (Shandon), County Service Area 23 (Santa Margarita) and County Service Area 12 (Avila Valley) is a distributor of a public water supply, that is not an urban supplier, and, therefore, must take one or more of the above-described actions.

Because water customers in the county-served area use, on average, less water than the state-wide average, it is clear that additional conservation measures related to retrofit type ordinances are becoming less effective. However, as the drought continues, more water is being used on outdoor landscaping. Therefore, the State has focused on reducing outdoor waste and irrigation; the proposed ordinance addresses the mandate from this same perspective.

Enforcement of the attached Ordinance would begin with educational outreach, followed by warnings to specific users via door hangers. Existing rules and regulations applicable to customers (with the exception of County Service Area 12) permit the County to place restrictions on water use which authorizes the County to impose a \$60 violation fee on utility bills for those customers who violate controls during emergencies and/or maximum usage limits. Section 3 of the proposed ordinance provides that a violation of the ordinance is a violation of a restriction authorized and imposed in accordance with the existing rules and regulations and constitutes a violation of controls during emergencies and/or a violation of the control of maximum usage limits under the existing ordinances. These penalties would be applicable to repeat violators. County Service Area 12 water customers are currently subject to the terms and conditions of individual contracts with the County.

In addition to requiring certain actions of water suppliers, the State Water Board Regulations authorize local agencies to impose a penalty of \$500 per day on any individuals who violate the following prohibitions within their jurisdiction, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency:

1. The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;
2. The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;
3. The application of potable water to driveways and sidewalks; and
4. The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system.

To educate County water customers on the attached ordinance, in addition to the above individual prohibitions, Public Works staff has established a public outreach campaign, which includes: obtaining media coverage; attending applicable County Service Area and Community Services District advisory committee meetings; mailing informational flyers in English and Spanish to water customers within the affected County Service Areas; collaborating with North County water suppliers on a radio Public Service Announcement; activating a "drought hotline"; and posting billboards with the State's current restrictions of water usage within these County Service Areas.

The regulation is effective August 14, 2014 and is imposed for a 270 day period after which the SWRCB could extend. The proposed ordinance would expire if and when the SWRCB terminates the regulation.

### **OTHER AGENCY INVOLVEMENT/IMPACT**

County Counsel has reviewed and approved the attached ordinance as to legal form and effect.

The County Environmental Coordinator has approved the attached Notice of Exemption to CEQA.

### **FINANCIAL CONSIDERATIONS**

The cost of public outreach for these water conservation efforts is estimated to be \$17,500 for each County Service Area and will be charged to the appropriate County Service Area and funded by the existing operating budget of each CSA. This will fund efforts for this year.

### **RESULTS**

The adoption of the ordinance limiting outdoor water use to Mondays and Thursdays only within County Service Area 10A, County Service Area 16, County Service Area 23 and County Service Area 12, will satisfy the actions required of distributors of a public water supply that are not urban water suppliers under the State Water Board Regulations and will assist with the State's efforts to ensure water agencies, their customers and state residents increase water conservation.

File: CF 640.140.01

Reference: 14AUG12-C-9

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### **ATTACHMENTS**

1. Vicinity Maps
2. Ordinance
3. Notice of Exemption (CEQA)